

**REMARKS**

This paper responds to the Office Action dated June 29, 2004. Enclosed please find Form PTO-2038 and Form PTO/SB/22.

**Abstract.** The Examiner objects to the Abstract. A new Abstract is provided which is tied more closely to the claims of this divisional application.

**Claim amendments.** Several of the claims have been amended to correct typographical errors that were caused by the USPTO's faulty PASAT e-filing software.

**Art rejection.** The Examiner rejects many of the claims over a three-way combination of US pat. no. 6072904 to Desai et al. ("Desai"), US pat. no. 5721902 to Schultz ("Schultz"), and US pat. no. 5,903,892 to Hoffert et al. ("Hoffert").

The limitations of the claims are discussed, for example, at paragraphs 116 to 210 of the application as filed, and the Examiner is respectfully referred to this discussion for helpful background.

Claim 1 is:

A method for use with a system storing digital media records, the system comprising a search engine **the operation of which is defined by a plurality of stored parameters, the stored parameters defining, for the search engine, an extent to which the search engine expands search terms**, the system communicatively coupled to an internet and providing a hypertext transfer protocol server interface to the internet, the method comprising the steps of:

receiving from a first user, via a hypertext transfer protocol client session, **a change to one of the parameters;**

**storing the change to the one of the stored parameters;**

receiving from a second user, via a hypertext transfer protocol client session, a search request;

passing the search request to the search engine;

performing, by the search engine, a search determined by the search request **and determined by the stored parameters**, and deriving search results therefrom;

reporting the search results to the second user.

Applicant raises the question how reasonable it is to use *any* three-way combination of references. But be that as it may, the undersigned has diligently studied the three cited



references and is unable to find any of the limitations that are in bold face above. The Examiner is requested to point, by page and line, to a place where these limitations may be found, or in the alternative to allow claim 1.

The rejection of claim 2 appears at Office Action page 5. Claim 2 is:

A method for use with a system storing digital media records, the system comprising a search engine searching said digital media records, the method comprising the steps of:

displaying all or part of a first digital media record to a user;

receiving, from the user, **first information indicative of a selection of less than all of the displayed portion** of the first digital media record;

receiving, from the user, second information indicative of text;

performing, by the search engine, a search of the digital media records **with respect to the first information** and the second information, and deriving search results therefrom; and

displaying the search results to the user.

The undersigned has diligently studied the three cited references and is unable to find any of the limitations that are in bold face above. The Examiner is requested to point, by page and line, to a place where these limitations may be found, or in the alternative to allow claim 2.

Claims 3, 4, 5 and 6 depend from claim 2 and should be allowed for the same reasons.

The rejection of claim 7 appears at Office Action page 6. Claim 7 is:

A method for use with a system storing digital media records and comprising a search engine searching said stored digital media records, the method comprising the steps of:

receiving first search requests from a plurality of first users;

performing, by the search engine, searches based upon the first search requests, yielding respective first search results, each first search result defining first selected digital media records;

logging the first search results;

receiving, from the first users, **information indicative of subsequent actions**



**by the first users selecting particular ones of the selected digital media records;**

receiving a second search request from a second user;

performing, by the search engine, a search based upon the second search request, yielding respective second search results, the second search results defining second selected digital media records;

**ranking the second selected digital media records downward for at least one second selected digital media record that was selected by at least one first user.**

The undersigned has diligently studied the three cited references and is unable to find any of the limitations that are in bold face above. The Examiner is requested to point, by page and line, to a place where these limitations may be found, or in the alternative to allow claim 7.

The rejection of claim 8 appears at Office Action page 6. Claim 8 is:

A method for use with a system storing digital media records and comprising a search engine searching said stored digital media records, the method comprising the steps of:

receiving first search requests from a plurality of first users;

performing, by the search engine, searches based upon the first search requests, yielding respective first search results, each first search result defining first selected digital media records;

logging the first search results;

**receiving, from the first users, information indicative of subsequent actions by the first users selecting particular ones of the selected digital media records;**

receiving a second search request from a second user;

performing, by the search engine, a search based upon the second search request, yielding respective second search results, the second search results defining second selected digital media records;

**ranking the second selected digital media records downward for at least one second selected digital media record that was selected by at least a predetermined number of first users.**



The undersigned has diligently studied the three cited references and is unable to find any of the limitations that are in bold face above. The Examiner is requested to point, by page and line, to a place where these limitations may be found, or in the alternative to allow claim 8.

The rejection of claim 9 appears at Office Action page 6. Claim 9 is:

A method for use with a system storing digital media records and comprising a search engine searching said stored digital media records, the method comprising the steps of:

receiving first search requests from a plurality of first users;

performing, by the search engine, searches based upon the first search requests, yielding respective first search results, each first search result defining first selected digital media records;

logging the first search results;

**receiving, from the first users, information indicative of subsequent actions by the first users selecting particular ones of the selected digital media records;**

receiving a second search request from a second user;

performing, by the search engine, a search based upon the second search request, yielding respective second search results, the second search results defining second selected digital media records;

**ranking the second selected digital media records downward for at least one second selected digital media record that was selected at least a predetermined number of times by first users.**

The undersigned has diligently studied the three cited references and is unable to find any of the limitations that are in bold face above. The Examiner is requested to point, by page and line, to a place where these limitations may be found, or in the alternative to allow claim 9.

The rejection of claim 10 appears at Office Action page 6. Claim 10 is:

A method for use with a system storing digital media records and comprising a search engine searching said stored digital media records, the method comprising the steps of: first search requests from a plurality of first users;



performing, by the search engine, searches based upon the first search requests, yielding respective first search results, each first search result defining first selected digital media records;

displaying said first selected digital media records presented in an order, said order defining a first-presented first selected digital media record;

**logging the event of a first user purchasing said first-presented first selected digital media record;**

**reporting, to a second user, the frequency of occurrence of the logged events.**

The undersigned has diligently studied the three cited references and is unable to find any of the limitations that are in bold face above. The Examiner is requested to point, by page and line, to a place where these limitations may be found, or in the alternative to allow claim 10.

The rejection of claim 11 appears at Office Action page 6. Claim 11 is:

A method for use with a system storing digital media records for purchase and comprising a search engine searching said stored digital media records, the method comprising the steps of:

receiving first search requests from a plurality of first users;

performing, by the search engine, searches based upon the first search requests, yielding respective first search results, each first search result defining first selected digital media records;

displaying said first selected digital media records presented in an order, said order defining a first-presented first selected digital media record;

**logging the event of a first user issuing several consecutive search requests, and receiving respective first selected digital media requests greater in number than a predetermined threshold for said several consecutive search requests;**

**reporting, to a second user, the frequency of occurrence of the logged events.**

The undersigned has diligently studied the three cited references and is unable to find any of the limitations that are in bold face above. The Examiner is requested to point, by page and line, to a place where these limitations may be found, or in the alternative to allow claim 11.

The rejection of claim 12 appears at Office Action page 6. The Examiner rejects claim 12



over a *four-way combination* of Desai, Schultz, Hoffert, and US pat. no. 6385596 to Wiser et al. ("Wiser"). Claim 12 is:

The method of claim 11 wherein the logged events further comprise the first user failing purchase any of the stored digital media records.

The undersigned questions whether it is appropriate to use a *four-way combination* to reject any claims. The undersigned has diligently studied the four cited references and is unable to find any of the limitations of this claim. The Examiner is requested to point, by page and line, to a place where these limitations may be found, or in the alternative to allow claim 12.

The rejection of claim 13 appears at Office Action page 6. Claim 13 is:

A method for use with a system storing digital media records and comprising a search engine searching said stored digital media records, the method comprising the steps of:

receiving first search requests from a plurality of first users;

performing, by the search engine, searches based upon the first search requests, yielding respective first search results, each first search result defining first selected digital media records;

logging the first search results;

**receiving, from the first users, information indicative of subsequent actions by the first users expressing interest in particular ones of the selected digital media records;**

receiving a second search request from a second user;

performing, by the search engine, a search based upon the second search request, yielding respective second search results, the second search results defining second selected digital media records;

**ranking the second selected digital media records upward for at least one second selected digital media record that was for which at least one first user expressed interest.**

The undersigned has diligently studied the three cited references and is unable to find any of the limitations that are in bold face above. The Examiner is requested to point, by page and line, to a place where these limitations may be found, or in the alternative to allow claim 13.



Claims 14, 15 and 16 depend from claim 13 and should be allowed for the same reasons.

The rejection of claim 17 appears at Office Action page 6. The Examiner rejects claim 17 over a three-way combination of Desai, Schultz, and Hoffert. Claim 18 is:

A method for use with a system storing digital media records and comprising a search engine searching said stored digital media records, the method comprising the steps of:

receiving first search requests from a plurality of first users;

performing, by the search engine, searches based upon the first search requests, yielding respective first search results, each first search result defining first selected digital media records;

logging the first search results;

**receiving, from the first users, information indicative of subsequent actions by the first users expressing interest in particular ones of the selected digital media records;**

receiving a second search request from a second user;

performing, by the search engine, a search based upon the second search request, yielding respective second search results, the second search results defining second selected digital media records;

**ranking the second selected digital media records upward for at least one second selected digital media record that was for which at least a predetermined number of first users expressed interest.**

The undersigned has diligently studied the three cited references and is unable to find any of the limitations that are in bold face above. The Examiner is requested to point, by page and line, to a place where these limitations may be found, or in the alternative to allow claim 17.

Claims 18, 19 and 20 depend from claim 17 and should be allowed for the same reasons.

The rejection of claim 21 appears at Office Action page 6. The Examiner rejects claim 21 over a three-way combination of Desai, Schultz, and Hoffert. Claim 21 is:

A method for use with a system storing digital media records and comprising a search engine searching said stored digital media records, the method comprising the steps of:



receiving first search requests from a plurality of first users;

performing, by the search engine, searches based upon the first search requests, yielding respective first search results, each first search result defining first selected digital media records;

logging the first search results;

**receiving, from the first users, information indicative of subsequent actions by the first users expressing interest in particular ones of the selected digital media records;**

receiving a second search request from a second user;

performing, by the search engine, a search based upon the second search request, yielding respective second search results, the second search results defining second selected digital media records;

**ranking the second selected digital media records upward for at least one second selected digital media record for which first users expressed interest at least a predetermined number of times.**

The undersigned has diligently studied the three cited references and is unable to find any of the limitations that are in bold face above. The Examiner is requested to point, by page and line, to a place where these limitations may be found, or in the alternative to allow claim 21.

Claims 22, 23, and 24 depend from claim 21 and should be allowed for the same reasons.

The rejection of claim 25 appears at Office Action page 6. The Examiner rejects claim 25 over a three-way combination of Desai, Schultz, and Hoffert. Claim 25 is:

A method for use with a system storing digital media records and comprising a search engine searching said stored digital media records, the method comprising the steps of:

receiving first search requests from a plurality of first users;

performing, by the search engine, searches based upon the first search requests, yielding respective first search results, each first search result defining first selected digital media records;

logging the first search results;

**receiving, from the first users, information indicative of subsequent actions**



**by the first users expressing interest in particular ones of the selected digital media records;**

receiving a second search request from a second user;

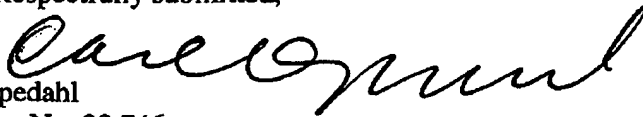
performing, by the search engine, a search based upon the second search request, yielding respective second search results, the second search results defining second selected digital media records;

**ranking the second selected digital media records upward for at least one second selected digital media record for which expression of interest satisfies a predetermined threshold, wherein expression of interest comprises a weighted function of two or more of the following events: the user placing the selected digital media record into an online shopping cart, the user purchasing rights to use the selected digital media record, and the user placing the selected digital media record into an online projects folder or other work space.**

The undersigned has diligently studied the three cited references and is unable to find any of the limitations that are in bold face above. The Examiner is requested to point, by page and line, to a place where these limitations may be found, or in the alternative to allow claim 25.

Reconsideration is requested.

Respectfully submitted,



Carl Oppedahl  
PTO Reg. No. 32,746  
Oppedahl & Larson LLP  
P O Box 5068  
Dillon, CO 80435-5068  
telephone 970-468-6600